



Office of General Counsel
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Via ECF

February 22, 2008

Hon. James C. Francis IV
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

Re: Alam v. HSBC Bank USA, N.A.
Case No. 07 CV 3540 (LTS) (JCF)

Dear Judge Francis:

The undersigned represents defendant HSBC Bank USA, National Association ("HSBC") in this matter.

I write regarding two issues – first, a request to extend the discovery deadline which expires today and, second, to seek the Court's intervention concerning depositions.

As to the first issue, discovery is not complete. Specifically, HSBC has not yet responded to plaintiff's second demand for documents, served on February 13, 2008, and no depositions have been conducted. However, please note that HSBC already has responded to four sets of interrogatories, two sets of requests for admission, and one request for production of documents, so to characterize the delay as defendant's fault would be inaccurate.

With regard to depositions, HSBC requests the Court's assistance in resolving a dispute over the number of witnesses plaintiff wishes to depose. Plaintiff's notice of deposition listed eight (8) individuals. HSBC submits that while the number falls within the limitations imposed by Rule 30(a)(2), it still is overbroad, burdensome, and harassing.

HSBC discussed with the plaintiff its objection to the proposed number of deponents, but plaintiff was unwilling to reduce the number of witnesses, stating instead that "sooner or later all the persons named that are requested to appear for the deposition must submit for the same."

HSBC recognizes that certain individuals listed on plaintiff's notice are critical witnesses in this case and were listed on HSBC's Rule 26 disclosures, but certainly not all are necessary. In fact, two of the witnesses no longer work for HSBC.¹ As to the remaining six (6) individuals

¹ HSBC will produce the last known address of its former employees to plaintiff so that plaintiff can subpoena those individuals.

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identified in the notice, HSBC is willing to produce two – plaintiff's direct supervisor, K.P. Choi, and Mr. Choi's supervisor, Ian Wright, who made the decision to terminate plaintiff and several others in the department as part of a reduction in force. HSBC does not believe that the other requested witnesses are material or necessary to the prosecution of plaintiff's case.

Given plaintiff's rejection of our compromise, we feel we have no choice but to seek the Court's intervention.

Sincerely,

/s/ Meredith Friedman
Meredith L. Friedman (MF 8464)
VP-Senior Counsel

cc: Mr. Mansoor Alam (via regular Mail)
Plaintiff *pro se*
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